

EXHIBIT 2012

Docket Entries

124 Results

VIEW IN BROWSER

Case Numbers: DNJ-2-24-cv-09819

	Date ▲	#	Description	
	Oct. 15, 2024	1	COMPLAINT against HAPPY PRODUCTS, INC. (Filing and Admin fee \$ 405 receipt number ANJDC-15739722) with JURY DEMAND, filed by HAPPY PRODUCTS, INC..(KAPLAN, JORDAN) (Entered: 10/15/2024)	
			Complaint -- Infringement	N/A
	Oct. 16, 2024	2	AO120 Patent Form filed. (Attachments: # 1 See attached Complaint and Exhibits) (wh) (Entered: 10/16/2024)	
	Oct. 16, 2024	3	SUMMONS ISSUED as to BJ'S WHOLESALE CLUB, INC., BOSCOV'S DEPARTMENT STORE, LLC, ONTEL PRODUCTS CORPORATION, TELEBRANDS CORPORATION, UNBEATABLESale.COM, INC.. Attached is the official court Summons, please fill out Defendant and Plaintiffs attorney information and serve. (wh) (Entered: 10/16/2024)	
	Oct. 17, 2024	4	NOTICE of Appearance by GERARD P. NORTON on behalf of HAPPY PRODUCTS, INC. (NORTON, GERARD) (Entered: 10/17/2024)	
	Oct. 17, 2024	5	NOTICE of Appearance by CALI ROTH SPOTA on behalf of HAPPY PRODUCTS, INC. (SPOTA, CALI) (Entered: 10/17/2024)	
	Nov. 07, 2024	6	Application and Proposed Order for Clerk's Order to extend time to answer as to Telebrands Corporation. Attorney DONALD ANTHONY BESHADA for TELEBRANDS CORPORATION added. (BESHADA, DONALD) (Entered: 11/07/2024)	
	Nov. 08, 2024	7	SUMMONS Returned Executed by HAPPY PRODUCTS, INC.. BOSCOV'S DEPARTMENT STORE, LLC served on 10/22/2024, answer due 11/12/2024. (GROSS, MARC) (Entered: 11/08/2024)	
	Nov. 08, 2024	8	SUMMONS Returned Executed by HAPPY PRODUCTS, INC.. BJ'S WHOLESALE CLUB, INC. served on 10/22/2024, answer due 11/12/2024. (GROSS, MARC) (Entered: 11/08/2024)	
	Nov. 08, 2024	9	SUMMONS Returned Executed by HAPPY PRODUCTS, INC.. TELEBRANDS CORPORATION served on 10/22/2024, answer due 11/12/2024. (GROSS, MARC) (Entered: 11/08/2024)	
	Nov. 08, 2024	10	SUMMONS Returned Executed by HAPPY PRODUCTS, INC.. ONTEL PRODUCTS CORPORATION served on 10/22/2024, answer due 11/12/2024. (GROSS, MARC) (Entered: 11/08/2024)	
	Nov. 12, 2024	11	NOTICE of Appearance by ARIEL S. PEIKES on behalf of ONTEL PRODUCTS CORPORATION (PEIKES, ARIEL) (Entered: 11/12/2024)	
	Nov. 12, 2024	12	First MOTION for Extension of Time to File Answer on behalf of Defendants Ontel Products Corporation, Boscov's Department Store, LLC, BJ's Wholesale Club, Inc., and UnbeatableSale.com, Inc., by ONTEL PRODUCTS CORPORATION. (Attachments: # 1 Text of Proposed Order)(PEIKES, ARIEL) (Entered: 11/12/2024)	
	Nov. 12, 2024	13	LETTER ORDER granting the 12 Request for extension of time for Defendants ONTEL PRODUCTS CORPORATION, BOSCOV'S DEPARTMENT STORE, LLC, BJ'S WHOLESALE CLUB, INC., and UNBEATABLESale.COM, INC. to respond to the Complaint, until 12/13/2024. Signed by Magistrate Judge Jose R. Almonte on 11/12/2024. (wh) (Entered: 11/13/2024)	
	Nov. 26, 2024	14	STIPULATION To Extend The Time For Defendant Telebrands Corporation To Respond To Plaintiff's Complaint And For Briefing Schedule by TELEBRANDS CORPORATION. (BESHADA, DONALD) (Entered: 11/26/2024)	
	Nov. 27, 2024	15	TEXT ORDER: The Court is in receipt of the parties' stipulation for an extension of time to respond to the Complaint and enter into a briefing schedule (ECF No. 14). Per the Hon. Evelyn Padin's, U.S.D.J., preferences, a party must submit a letter, not to exceed three (3) single-spaced pages, requesting a pre-motion conference before filings motions to dismiss. The letter must set forth the basis for the anticipated motion and include citations to relevant authority. Within seven (7) days after receipt of this letter, all adversaries must submit a written response, not to exceed three (3) single-spaced pages. In light of the foregoing, Defendants may submit this pre-motion letter on or before December 17, 2024. So Ordered by Magistrate Judge Jose R. Almonte on 11/27/2024. (akw,) (Entered: 12/02/2024)	
	Dec. 04, 2024	16	Letter from Ariel Peikes, Esq. re 1 Complaint,. (Attachments: # 1 Declaration of Ariel Peikes, # 2 Exhibit A - Plaintiff's Application to Register Trade Dress with USPTO, # 3 Exhibit B - USPTO Office Action, # 4 Exhibit C - Notice of Abandonment of Trade Dress Application)(PEIKES, ARIEL) (Entered: 12/04/2024)	
	Dec. 06, 2024		Set Deadlines as to 18 MOTION for Leave to Appear Pro Hac Vice Tamara Fraizer, 17 MOTION for Leave to Appear Pro Hac Vice Lowell D. Jacobson. Motion set for 1/6/2025 before Magistrate Judge Jose R. Almonte. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (qa,) (Entered: 12/06/2024)	
	Dec. 06, 2024	17	MOTION for Leave to Appear Pro Hac Vice Lowell D. Jacobson by HAPPY PRODUCTS, INC.. (Attachments: # 1 Declaration of Jordan Bryant Kaplan, # 2 Text of Proposed Order Proposed Order, # 3 Statement Statement in Lieu of Brief, # 4 Declaration Declaration of Jacobson, # 5 Certification Certification of Service)(KAPLAN, JORDAN) (Entered: 12/06/2024)	

Dec. 06, 2024	18	MOTION for Leave to Appear Pro Hac Vice Tamara Fraizer by HAPPY PRODUCTS, INC.. (Attachments: # 1 Declaration of Jordan Bryant Kaplan, # 2 Statement Statement in Lieu of Brief, # 3 Certification Certification of Service, # 4 Text of Proposed Order Proposed Order, # 5 Declaration Declaration of Fraizer)(KAPLAN, JORDAN) (Entered: 12/06/2024)	
Dec. 09, 2024	19	TEXT ORDER: The Court is in receipt of Plaintiffs' motions to admit Lowell D. Jacobson, Esq. and Tamara Frazier, Esq., to appear before this Court pro hac vice (ECF Nos. 17 & 18). No later than December 16, 2024, Plaintiff shall file a letter indicating whether all other appearing parties consent to Mr. Jacobson's and Ms. Frazier's admission. So Ordered by Magistrate Judge Jose R. Almonte on 12/9/2024. (akw,) (Entered: 12/10/2024)	
Dec. 12, 2024	20	TEXT ORDER: Section II.E.i of this Court's preferences requires parties to file a short letter before filing a motion to dismiss. Within 7 days after receipt of that letter, all adversaries must submit a responsive letter. On 12/4/24, Defendant Ontel filed a short letter complying with this Court's preferences D.E. 16 . However, as of 12/12/24, Plaintiff has not filed a responsive letter. It is therefore ORDERED that Plaintiff shall file a responsive letter by 12/13/24. So Ordered by Judge Evelyn Padin on 12/12/2024. (bt,) (Entered: 12/12/2024)	
Dec. 13, 2024	21	Letter re 16 Letter,. (KAPLAN, JORDAN) (Entered: 12/13/2024)	
Dec. 13, 2024	22	NOTICE of Voluntary Dismissal as to Telebrands Corporation Only by HAPPY PRODUCTS, INC. (KAPLAN, JORDAN) (Entered: 12/13/2024)	
Dec. 16, 2024	23	NOTICE AND ORDER OF VOLUNTARY DISMISSAL as to Defendant TELEBRANDS CORPORATION only, without prejudice. TELEBRANDS CORPORATION terminated. Signed by Judge Evelyn Padin on 12/16/2024. (wh) (Entered: 12/16/2024)	
		Stipulated/Agreed - Motion to Dismiss - Voluntary Dismissal (FRCP 41(a))	Granted
Dec. 16, 2024	24	Letter from Jordan B. Kaplan re 17 MOTION for Leave to Appear Pro Hac Vice Lowell D. Jacobson, 19 Text Order, 18 MOTION for Leave to Appear Pro Hac Vice Tamara Fraizer. (KAPLAN, JORDAN) (Entered: 12/16/2024)	
Dec. 17, 2024	25	ORDER granting 17 Motion for Leave to Appear Pro Hac Vice of LOWELL D. JACOBSON. Signed by Magistrate Judge Jose R. Almonte on 12/17/2024. (wh) (Entered: 12/17/2024)	
Dec. 17, 2024	26	ORDER granting 18 Motion for Leave to Appear Pro Hac Vice of TAMARA FRAIZER. Signed by Magistrate Judge Jose R. Almonte on 12/17/2024. (wh) (Entered: 12/17/2024)	
Dec. 31, 2024	27	Notice of Request by Pro Hac Vice Tamara D. Fraizer to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 250 receipt number ANJDC-15908149.) (KAPLAN, JORDAN) (Entered: 12/31/2024)	
Dec. 31, 2024	28	Notice of Request by Pro Hac Vice Lowell D. Jacobson to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 250 receipt number ANJDC-15909045.) (KAPLAN, JORDAN) (Entered: 12/31/2024)	
Jan. 02, 2025		Pro Hac Vice counsel, TAMARA D. FRAIZER and LOWELL D. JACOBSON, have been added to receive Notices of Electronic Filing. Pursuant to L.Civ.R. 101.1, only local counsel are entitled to sign and file papers, enter appearances and receive payments on judgments, decrees or orders. (wh) (Entered: 01/02/2025)	
Jan. 06, 2025	29	TEXT ORDER: The Pre-Motion Teleconference before Judge Evelyn Padin is set for 1/13/2025 at 11:00 AM. Please dial [973-437-5535], Phone Conference ID: 712747315#. So Ordered by Judge Evelyn Padin on 1/6/2025. (bt) (Entered: 01/06/2025)	
Jan. 09, 2025	30	Letter from Jordan B. Kaplan, Esq.. (KAPLAN, JORDAN) (Entered: 01/09/2025)	
Jan. 10, 2025	31	TEXT ORDER: The Pre-Motion Teleconference scheduled at D.E. 29 before Judge Padin, is rescheduled for 1/29/2025 at 11:00am. Dial-in information will remain the same. So Ordered by Judge Evelyn Padin on 1/10/2025. (bt) (Entered: 01/10/2025)	
Jan. 29, 2025	32	NOTICE of Appearance by KATHERINE ANN ESCANLAR on behalf of ONTEL PRODUCTS CORPORATION (ESCANLAR, KATHERINE) (Entered: 01/29/2025)	
Jan. 29, 2025	33	TEXT ORDER: Per the parties' agreement at the pre-motion conference, Plaintiff shall amend the complaint within 30 days. So Ordered by Judge Evelyn Padin on 1/29/2025. (bt) (Entered: 01/29/2025)	
Feb. 28, 2025	34	AMENDED COMPLAINT against BJ'S WHOLESALE CLUB, INC., BOSCOV'S DEPARTMENT STORE, LLC, ONTEL PRODUCTS CORPORATION, UNBEATABLESALE.COM, INC., filed by HAPPY PRODUCTS, INC.. (Attachments: # 1 Exhibit Exhibit A-D to Amended Complaint, # 2 Supplement Amended Complaint with redlines)(KAPLAN, JORDAN) (Entered: 02/28/2025)	
		Amended Complaint	N/A
Mar. 03, 2025	35	AO120 Patent Form filed. (Attachments: # 1 See attached Complaint and Exhibits) (wh) (Entered: 03/03/2025)	
Mar. 06, 2025	36	NOTICE of Appearance by KATHERINE ANN ESCANLAR on behalf of BJ'S WHOLESALE CLUB, INC., BOSCOV'S DEPARTMENT STORE, LLC, UNBEATABLESALE.COM, INC. (ESCANLAR, KATHERINE) (Entered: 03/06/2025)	
Mar. 06, 2025	37	Application and Proposed Order for Clerk's Order to extend time to answer as to Plaintiff's Amended Complaint.. (ESCANLAR, KATHERINE) (Entered: 03/06/2025)	

Mar. 07, 2025		Clerk's Text Order - The 37 Application for Clerk's Order to Ext Answer/Proposed Order submitted by UNBEATABLSALE.COM, INC., ONTEL PRODUCTS CORPORATION, BOSCOV'S DEPARTMENT STORE, LLC, BJ'S WHOLESALE CLUB, INC. has been GRANTED. The answer due date has been set for 3/28/2025. (mxw,) (Entered: 03/07/2025)	
Mar. 27, 2025	38	LETTER ORDER Pursuant to Local Civil Rule 16.1. On 5/2/2025 at 3:30 PM there shall be an Initial Scheduling Conference before Magistrate Judge Jose R. Almonte. The conference will be held telephonically. For the conference, please dialPhone conference ID: 364 382 809#. So Ordered by Magistrate Judge Jose R. Almonte on 3/27/2025. (akw,) (akw,). (Entered: 03/27/2025)	
Mar. 28, 2025	39	NOTICE of Appearance by MICHELLE MANCINO MARSH on behalf of All Defendants (MARSH, MICHELLE) (Entered: 03/28/2025)	
Mar. 28, 2025	40	MOTION to Dismiss Pursuant to Rule 12(b)(6) and Motion to Strike Pursuant to Rule 12(f) by BJ'S WHOLESALE CLUB, INC., BOSCOV'S DEPARTMENT STORE, LLC, ONTEL PRODUCTS CORPORATION, UNBEATABLSALE.COM, INC.. (Attachments: # 1 Brief, # 2 Declaration of Ariel Peikes, # 3 Exhibit A-G to the Declaration of Ariel Peikes, # 4 Text of Proposed Order, # 5 Certificate of Service)(ESCANLAR, KATHERINE) (Entered: 03/28/2025)	
Mar. 28, 2025	41	Corporate Disclosure Statement by ONTEL PRODUCTS CORPORATION. (ESCANLAR, KATHERINE) (Entered: 03/28/2025)	
Corporate Disclosure Statement		N/A	
Mar. 28, 2025	42	Corporate Disclosure Statement by BOSCOV'S DEPARTMENT STORE, LLC. (ESCANLAR, KATHERINE) (Entered: 03/28/2025)	
Corporate Disclosure Statement		N/A	
Mar. 28, 2025	43	Corporate Disclosure Statement by BJ'S WHOLESALE CLUB, INC.. (ESCANLAR, KATHERINE) (Entered: 03/28/2025)	
Corporate Disclosure Statement		N/A	
Mar. 28, 2025	44	Corporate Disclosure Statement by UNBEATABLSALE.COM, INC.. (ESCANLAR, KATHERINE) (Entered: 03/28/2025)	
Corporate Disclosure Statement		N/A	
Apr. 02, 2025	45	MOTION for Leave to Appear Pro Hac Vice of Janine A. Carlan, Esq. and Julie A. Vernon, Esq. on Behalf of Defendants (Unopposed) by BJ'S WHOLESALE CLUB, INC., BOSCOV'S DEPARTMENT STORE, LLC, ONTEL PRODUCTS CORPORATION, UNBEATABLSALE.COM, INC.. (Attachments: # 1 Certification of Katherine A. Escanlar, Esq., # 2 Declaration of Janine A. Carlan, Esq., # 3 Declaration of Julie A. Vernon, Esq., # 4 Text of Proposed Order, # 5 Certificate of Service)(ESCANLAR, KATHERINE) (Entered: 04/02/2025)	
Apr. 03, 2025	46	Rule 7.1(d)(5) Letter for an automatic extension of the return date of a dispositive motion filed by HAPPY PRODUCTS, INC. re 40 MOTION to Dismiss Pursuant to Rule 12(b)(6) and Motion to Strike Pursuant to Rule 12(f) (KAPLAN, JORDAN) (Entered: 04/03/2025)	
Apr. 04, 2025		Reset Deadlines as to 40 MOTION to Dismiss. Motion set for 5/5/2025 before Judge Evelyn Padin. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (adc) Modified on 4/4/2025 (adc). (Entered: 04/04/2025)	
Apr. 04, 2025	47	ORDER granting 45 Motion for Leave to Appear Pro Hac Vice of JANINE A. CARLAN and JULIE A. VERNON. Signed by Magistrate Judge Jose R. Almonte on 4/4/2025. (wh) (Entered: 04/04/2025)	
Apr. 04, 2025	48	Notice of Request by Pro Hac Vice Janine A. Carlan, Esq. to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 250 receipt number ANJDC-16146368.) (ESCANLAR, KATHERINE) (Entered: 04/04/2025)	
Apr. 04, 2025	49	Notice of Request by Pro Hac Vice Julie A. Vernon, Esq. to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 250 receipt number ANJDC-16146397) (ESCANLAR, KATHERINE) (Entered: 04/04/2025)	
Apr. 09, 2025		Pro Hac Vice counsel, JANINE A. CARLAN and JULIE A. VERNON, has been added to receive Notices of Electronic Filing. Pursuant to L.Civ.R. 101.1, only local counsel are entitled to sign and file papers, enter appearances and receive payments on judgments, decrees or orders. (and) (Entered: 04/09/2025)	
Apr. 21, 2025	50	BRIEF in Opposition filed by HAPPY PRODUCTS, INC. re 40 MOTION to Dismiss Pursuant to Rule 12(b)(6) and Motion to Strike Pursuant to Rule 12(f) (KAPLAN, JORDAN) (Entered: 04/21/2025)	
Apr. 26, 2025	51	Joint Discovery Plan by BJ'S WHOLESALE CLUB, INC., BOSCOV'S DEPARTMENT STORE, LLC, ONTEL PRODUCTS CORPORATION, UNBEATABLSALE.COM, INC..(ESCANLAR, KATHERINE) (Entered: 04/26/2025)	

Apr. 28, 2025	52	REPLY BRIEF to Opposition to Motion filed by BJ'S WHOLESALE CLUB, INC., BOSCOV'S DEPARTMENT STORE, LLC, ONTEL PRODUCTS CORPORATION, UNBEATABLESALE.COM, INC. re 40 MOTION to Dismiss Pursuant to Rule 12(b)(6) and Motion to Strike Pursuant to Rule 12(f) (Attachments: # 1 Second Declaration of Ariel S. Peikes, Esq. in Support of Defendants' Motion to Dismiss and Motion to Strike, # 2 Exhibit 1 to the Second Declaration of Ariel S. Peikes, Esq., # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4)(ESCANLAR, KATHERINE) (Entered: 04/28/2025)	
May. 02, 2025	55	TEXT ORDER: Defendants' request to stay discovery pending a resolution of their motion at ECF No. 40 is DENIED. By May 5, 2025, the parties shall file a joint letter with new proposed deadlines for the Court's consideration. A status conference is scheduled for September 16, 2025, at 2:30 p.m. For the conference, please dial 973-437-5535 and enter Phone conference ID: 254 882 613#. No later than September 9, 2025, the parties shall file a joint letter not to exceed five (5) pages summarizing the status of the case. To the extent the parties wish to raise a discovery dispute before the deadline set forth in the operative scheduling order, they shall do so consistent with the Court's Case Management Order. So Ordered by Magistrate Judge Jose R. Almonte on 5/2/2025. (akw) (Entered: 05/12/2025)	
		Motion to Stay Pending Dispositive Motion	Denied
May. 06, 2025	53	Joint Discovery Plan by All Plaintiffs.(KAPLAN, JORDAN) (Entered: 05/06/2025)	
May. 12, 2025	54	PRETRIAL SCHEDULING ORDER. Signed by Magistrate Judge Jose R. Almonte on 5/12/2025. (adc,) (Entered: 05/12/2025)	
May. 15, 2025	56	Letter from Ariel Peikes, Esq.. (PEIKES, ARIEL) (Entered: 05/15/2025)	
May. 15, 2025	57	LETTER ORDER granting the amendment of Paragraph 3 of the Pretrial Scheduling Order. Signed by Magistrate Judge Jose R. Almonte on 5/15/2025. (sm) (Entered: 05/16/2025)	
May. 25, 2025	58	Letter from Ariel Peikes, Esq. (Attachments: # 1 Exhibit 1 - Comment posted to Instagram)(PEIKES, ARIEL)NOTICE TO COUNSEL: Counsel is advised that pursuant to Local Civil Rule 5.3(c)(2), a single, consolidated motion to seal shall be filed within 14 days following the completed briefing of the materials sought to be sealed, or within 14 days following the date on which the last of such materials was filed under temporary seal if the motion is resolved, unless otherwise directed by the Court. (Entered: 05/25/2025)	
May. 28, 2025	59	TEXT ORDER: The Court is in receipt of Defendant Ontel's letter (ECF No. 58) request for leave to file a motion for a protective order. By June 3, 2025, Plaintiff shall file a response and cite relevant legal authority to support why leave should not be granted. So Ordered by Magistrate Judge Jose R. Almonte on 5/28/2025. (akw,) (Entered: 05/28/2025)	
Jun. 03, 2025	60	Letter from Lowell Jacobson re 58 Letter,.. (Attachments: # 1 Exhibit Ex. A to Jacobson Letter, # 2 Exhibit Ex. B to Jacobson Letter)(KAPLAN, JORDAN) (Entered: 06/03/2025)	
Jun. 05, 2025	61	MOTION for Leave to Appear Pro Hac Vice by Saukshmya Trichi, Esq. on Behalf of Defendants (Unopposed) by BJ'S WHOLESALE CLUB, INC., BOSCOV'S DEPARTMENT STORE, LLC, ONTEL PRODUCTS CORPORATION, UNBEATABLESALE.COM, INC.. (Attachments: # 1 Certification of Katherine A. Escanlar, Esq., # 2 Declaration of Saukshmya Trichi, Esq., # 3 Text of Proposed Order)(CALMANN, ARNOLD) (Entered: 06/05/2025)	
Jun. 09, 2025		Set Deadlines as to 61 MOTION for Leave to Appear Pro Hac Vice by Saukshmya Trichi, Esq. on Behalf of Defendants (Unopposed). Motion set for 7/7/2025 before Magistrate Judge Jose R. Almonte. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (ld) (Entered: 06/09/2025)	
Jun. 09, 2025	62	ORDER granting 61 Motion for Leave to Appear Pro Hac Vice SAUKSHYMA TRICHI. Signed by Magistrate Judge Jose R. Almonte on 6/9/2025. (mj) (Entered: 06/10/2025)	
Jun. 11, 2025	63	Exhibit to 60 Letter Sealed copy of Exhibit B by HAPPY PRODUCTS, INC.. (KAPLAN, JORDAN)NOTICE TO COUNSEL: Counsel is advised that pursuant to Local Civil Rule 5.3(c)(2), a single, consolidated motion to seal shall be filed within 14 days following the completed briefing of the materials sought to be sealed, or within 14 days following the date on which the last of such materials was filed under temporary seal if the motion is resolved, unless otherwise directed by the Court. (Entered: 06/11/2025)	
Jun. 11, 2025	64	Exhibit to 60 Letter Redacted copy of Exhibit B by HAPPY PRODUCTS, INC.. (KAPLAN, JORDAN) (Entered: 06/11/2025)	
Jun. 12, 2025	65	Notice to be terminated and withdraw from Notices of Electronic filing as to case. Attorney ARNOLD B. CALMANN terminated. (CALMANN, ARNOLD) (Entered: 06/12/2025)	
Jun. 12, 2025	66	Notice of Request by Pro Hac Vice Saukshmya Trichi, Esq. to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 250 receipt number ANJDC-16364939.) (ESCANLAR, KATHERINE) (Entered: 06/12/2025)	

Jun. 16, 2025	67	TEXT ORDER: The Court has reviewed the parties' arguments regarding Defendant Ontel's request for leave to file a motion for protective order at ECF No. 58 . After review, the request is DENIED. District Courts have the inherent power to impose sanctions for bad-faith conduct, however, the "inherent powers must be exercised with restraint and discretion." Chambers v. NASCO, Inc., 501 U.S. 32, 44 (1991). The Court's inherent authority to issue such orders should be used sparingly, and "a primary aspect of that discretion is the ability to fashion an appropriate sanction for conduct which abuses the judicial process." Id. at 44-45. At issue is Plaintiff's CEO's, Juliette Fassett, alleged inappropriate communications with Defendant's intellectual property attorney, John S. Artz, his family, and his colleagues. Mr. Artz is not an attorney involved in this litigation, and all but one incident referenced by Defendants occurred before this litigation began. While the Court does not condone Ms. Fassett's behavior, her actions did not violate any order issued by this Court. There is no indication that those incidents are directly connected to this litigation, and that Ms. Fassett's behavior amounts to an abuse of the judicial process that would warrant a protective order. Moreover, the case law Defendants cite does not support issuing an order to curb the alleged conduct that is not directly related to the proceedings before us. See Chambers, 501 U.S. at 55 (affirming Court's imposition of sanctions pursuant to its inherent authority against a party for "fraud he perpetuated on the court and the bad faith he displayed toward both his adversary and the court throughout the course of this litigation. ") (emphasis added); Weisberg v. Riverside Twp. Bd. of Educ., 272 F. App'x 170, 174 (3d Cir. 2008) (affirming district court's refusal to impose sanctions after the plaintiff gave false deposition testimony). Plaintiff's counsel has assured they spoke with Ms. Fassett regarding the single incident that had occurred during this litigation, and Ms. Fassett agreed they would not contact anyone affiliated with any Defendant in this litigation. Plaintiff addressed the incident immediately and there has been no recurrence of such incidents since. This representation is sufficient to appease the Court that no inappropriate conduct will occur during the course of litigation. In the event Ms. Fassett, or any other individual, publicly releases confidential information in violation of any confidentiality order, or otherwise engages in conduct that amounts to an abuse of the judicial process, then the Court may entertain a request for a protective order. So Ordered by Magistrate Judge Jose R. Almonte on 6/16/2025. (akw,) (Entered: 06/16/2025)	
Motion for Sanctions -- Court's Inherent Power		Denied	
District Court Procedural Issues L Sanctions L Sanctions -- Court's Inherent Power		The court denied defendant's motion for the court to impose a protective order under its inherent power as a sanction for plaintiff's CEO's communications with defendant's non-litigating attorney. "At issue is Plaintiff's CEO's . . . alleged inappropriate communications with Defendant's intellectual property attorney . . . his family, and his colleagues. [The IP attorney] is not an attorney involved in this litigation, and all but one incident referenced by Defendants occurred before this litigation began. While the Court does not condone [the CEO's] behavior, her actions did not violate any order issued by this Court. There is no indication that those incidents are directly connected to this litigation, and that [the CEO's] behavior amounts to an abuse of the judicial process that would warrant a protective order."	
Jun. 17, 2025		Pro Hac Vice counsel, SAUKSHMYA TRICHI, has been added to receive Notices of Electronic Filing. Pursuant to L.Civ.R. 101.1, only local counsel are entitled to sign and file papers, enter appearances and receive payments on judgments, decrees or orders. (mj) (Entered: 06/17/2025)	
Jun. 17, 2025	68	REDACTION to 58 Letter,, by ONTEL PRODUCTS CORPORATION. (Attachments: # 1 REDACTED Exhibit 1)(ESCANLAR, KATHERINE) (Entered: 06/17/2025)	
Jun. 17, 2025	69	MOTION to Seal Document 60 Letter, 58 Letter,, 63 Exhibit (to Document),, by ONTEL PRODUCTS CORPORATION. (Attachments: # 1 Declaration of Ariel S. Peikes in Support of Unopposed Motion to Seal, # 2 Exhibit A to the Declaration of Ariel S. Peikes, # 3 Index in Support of Unopposed Motion to Seal, # 4 Text of Proposed Order)(ESCANLAR, KATHERINE) (Entered: 06/17/2025)	
Jun. 18, 2025		Set Deadlines as to 69 MOTION to Seal Document 60 Letter, 58 Letter,, 63 Exhibit (to Document),. Motion set for 7/21/2025 before Magistrate Judge Jose R. Almonte. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (lag,) (Entered: 06/18/2025)	
Jun. 20, 2025	70	NOTICE of Voluntary Dismissal as to Defendants Boscov's Department Store, LLC, BJ'S Wholesale Club, Inc., and Unbeatable.com ONLY by HAPPY PRODUCTS, INC. (KAPLAN, JORDAN) (Entered: 06/20/2025)	
Jun. 24, 2025	71	NOTICE AND ORDER OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE AS TO RETAILER DEFENDANTS, ONLY. Defendants UNBEATABLE.COM, INC., BJ'S WHOLESALE CLUB, INC. and BOSCOV'S DEPARTMENT STORE, LLC terminated. Signed by Judge Evelyn Padin on 6/24/2025. (dam) (Entered: 06/24/2025)	
Stipulated/Agreed - Motion to Dismiss - Voluntary Dismissal (FRCP 41(a))		Granted	
Jun. 24, 2025	72	ORDER GRANTING 69 MOTION TO SEAL. Signed by Magistrate Judge Jose R. Almonte on 6/24/2025. (wh) (Entered: 06/24/2025)	
Jun. 24, 2025	73	TEXT ORDER: By June 30, 2025, Defendant shall file a redacted versions of their letter and the attachment at ECF No. 58 in accordance with the Court's order dated June 24, 2025. So Ordered by Magistrate Judge Jose R. Almonte on 6/24/2025. (akw,) (Entered: 06/24/2025)	
Jun. 26, 2025	74	Letter from Katherine A. Escanlar, Esq. to the Honorable Jose R. Almonte, U.S.M.J. -- Joint Dispute Letter Re Sufficiency of Plaintiff's Infringement Contentions, Claim Charts dated May 16, 2025 for U.S. Patent No. RE 48,479 and Requirements under the Local Patent Rules Re Making Available Supporting Documents. (Attachments: # 1 Exhibit 1, P-1, P-2, P-3, P-4, P-5, 5 and 6) (ESCANLAR, KATHERINE) (Entered: 06/26/2025)	

Jun. 30, 2025	75	Letter from Katherine A. Escanlar, Esq. to the Honorable Jose R. Almonte, U.S.M.J. Regarding Compliance With re 73 Text Order,. (ESCANLAR, KATHERINE) (Entered: 06/30/2025)	
Jun. 30, 2025	76	TEXT ORDER: The Court is in receipt of the parties' joint letter raising discovery disputes (ECF No. 74). The Court will consider the arguments and issue its decision in due course. So Ordered by Magistrate Judge Jose R. Almonte on 6/30/2025. (akw,) (Entered: 06/30/2025)	
Aug. 07, 2025	77	Letter from Katherine A. Escanlar, Esq. to the Honorable Jose R. Almonte, U.S.M.J. Regarding Update re 74 Letter,. (ESCANLAR, KATHERINE) (Entered: 08/07/2025)	
Aug. 19, 2025	78	NOTICE of Change of Address by KATHERINE ANN ESCANLAR (ESCANLAR, KATHERINE) (Entered: 08/19/2025)	
Sep. 09, 2025	79	Proposed Order Regarding Discovery Confidentiality (Stipulated) by HAPPY PRODUCTS, INC.. (KAPLAN, JORDAN) (Entered: 09/09/2025)	
Sep. 09, 2025	80	STATUS REPORT Jointly Submitted by the Parties by HAPPY PRODUCTS, INC.. (KAPLAN, JORDAN) (Entered: 09/09/2025)	
Sep. 15, 2025	81	TEXT ORDER: The Court is in receipt of the parties' proposed confidentiality order (ECF No. 79). This Court recommends the use of the proposed order found at Appendix S of the Local Civil Rules. To the extent the parties seek to change the provisions in the Appendix S order, paragraph 5(d) of this Court's Case Management Order requires that parties submit " (1) a clean version of the proposed order that is ready for signature; and (2) a redline version that indicates the differences between the proposed order and the Appendix S order." No redline was submitted with the parties' proposed order. By September 22, 2025, the parties shall file the required redline. So Ordered by Magistrate Judge Jose R. Almonte on 9/15/2025. (akw,) (Entered: 09/15/2025)	
Sep. 15, 2025	82	TEXT ORDER: In light of the status of discovery outlined in the parties' joint status letter (ECF No. 80), the status conference scheduled for September 16, 2025, is adjourned to November 25, 2025, at 3:30 p.m. For the conference, please dial 973-437-5535 and enter Phone conference ID: 254 882 613#. No later than November 18, 2025, the parties shall file a joint letter not to exceed five (5) pages summarizing the status of the case. The parties shall continue to meet and confer to resolve the various issues raised in the joint status letter. To the extent the parties wish to raise a discovery dispute, they shall do so consistent with the Court's Case Management Order. So Ordered by Magistrate Judge Jose R. Almonte on 9/15/2025. (akw,) (Entered: 09/15/2025)	
Sep. 16, 2025	83	Letter from Katherine A. Escanlar, Esq., on behalf of the Parties, to the Honorable Evelyn Padin, U.S.D.J. Requesting Guidance Regarding Indefiniteness. (ESCANLAR, KATHERINE) (Entered: 09/16/2025)	
Sep. 16, 2025	84	Letter from Katherine A. Escanlar, Esq. to the Honorable Jose R. Almonte, U.S.M.J. Requesting Unopposed Extension of Time to File L. Pat. R. 4.3 Joint Claim Construction and Prehearing Statement. (ESCANLAR, KATHERINE) (Entered: 09/16/2025)	
Sep. 17, 2025	85	LETTER ORDER regarding briefing schedule. Signed by Magistrate Judge Jose R. Almonte on 9/17/2025. (lag,) (Entered: 09/18/2025)	
Sep. 22, 2025	86	Letter from Katherine A. Escanlar, Esq. to the Honorable Jose R. Almonte, U.S.M.J. Enclosing Redline of Proposed Discovery Confidentiality Order (As Compared to Appendix S) re 81 Text Order,,,, (Attachments: # 1 REDLINE OF PROPOSED DISCOVERY CONFIDENTIALITY ORDER (AS COMPARED TO APPENDIX S))(ESCANLAR, KATHERINE) (Entered: 09/22/2025)	
Sep. 22, 2025	87	STATEMENT -- Joint Claim Construction and Prehearing Statement Pursuant to L. Pat. R. 4.3-- by ONTEL PRODUCTS CORPORATION. (Attachments: # 1 Exhibit A to Joint Claim Construction and Prehearing Statement)(ESCANLAR, KATHERINE) (Entered: 09/22/2025)	
Sep. 23, 2025	88	TEXT ORDER: The Court has reviewed the parties' letter. D.E. 83 . The parties jointly request clarification on whether they must brief indefiniteness as part of claim construction. Id. As requested, the parties may defer the issue and raise it later at summary judgment or at trial. If the parties wish to raise indefiniteness at a different time, they shall request leave to do so. So Ordered by Judge Evelyn Padin on 9/23/2025. (bt) (Entered: 09/23/2025)	
Sep. 23, 2025	89	Stipulated Discovery Confidentiality Order filed. Signed by Magistrate Judge Jose R. Almonte on 9/23/2025. (dmr3) (Entered: 09/23/2025)	
Oct. 09, 2025	90	Proposed Order for Protocol for Discovery by HAPPY PRODUCTS, INC.. (KAPLAN, JORDAN) (Entered: 10/09/2025)	
Oct. 10, 2025	91	ORDER REGARDING DISCOVERY OF ELECTRONICALLY STORED INFORMATION (ESI)(ELECTRONIC DISCOVERY). Signed by Magistrate Judge Jose R. Almonte on 10/10/2025. (amv) (Entered: 10/10/2025)	

Oct. 15, 2025	92	LETTER ORDER Granting in part and Denying in part Defendant's 74 Dispute Letter. Signed by Magistrate Judge Jose R. Almonte on 10/15/2025. (sms2) (Entered: 10/15/2025)	
Motion to Compel Discovery		Denied in part granted in part	
Disclosures & Discovery L Local Patent Rules L Amendment Of Contentions Local Patent Rules L Sufficiency Of Disclosures/Contentions L Infringement Contentions		The court granted in part defendant's motion to compel plaintiff to supplement its infringement contentions. "I agree that the supporting visual evidence does not comply with the requirements under L. Pat. R. 3.1(b). The Rule requires that the identification of the 'accused apparatus, product, device, process, method, act, or other instrumentality be as specific as possible.' [Plaintiff's] reliance on the screenshots in its Infringement Contentions to represent the Pillow Pad does not meet this standard, especially where those same images are derived from videos that [Plaintiff] characterizes as depicting their own [product]. This conflicting use of the same screenshots undermines the credibility and reliability of the visual pictures. Moreover, [Plaintiff] concedes it has had physical possession of at least one [accused] product since October 2023."	
Oct. 27, 2025	93	Letter from Katherine A. Escanlar, Esq. to the Honorable Jose R. Almonte, U.S.M.J. Regarding Joint Request for Extension of Markman Schedule re 92 Order, 54 Scheduling Order. (ESCANLAR, KATHERINE) (Entered: 10/27/2025)	
Oct. 28, 2025	94	LETTER ORDER granting an extension of the current case schedule. Signed by Magistrate Judge Jose R. Almonte on 10/28/2025. (kht) (Entered: 10/29/2025)	
Oct. 29, 2025	95	Letter from Katherine A. Escanlar, Esq. to the Honorable Jose R. Almonte, U.S.M.J. -- Joint Letter Regarding Dispute Concerning Stay Pending IPR. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(ESCANLAR, KATHERINE) (Entered: 10/29/2025)	
Nov. 07, 2025	96	MOTION for Sanctions Pursuant to Fed. R. Civ. P. 11 by HAPPY PRODUCTS, INC.. (Attachments: # 1 Brief, # 2 Text of Proposed Order, # 3 Declaration of J. Fassett, # 4 Exhibit 1, # 5 Exhibit 2, # 6 Exhibit 3, # 7 Exhibit 4, # 8 Exhibit 5, # 9 Declaration of L. Jacobson, # 10 Exhibit 6, # 11 Exhibit 7)(KAPLAN, JORDAN) (Entered: 11/07/2025)	
Nov. 10, 2025		Set Deadlines as to 96 MOTION for Sanctions. Motion set for 12/1/2025 before Judge Evelyn Padin. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (adc,) (Entered: 11/10/2025)	
Nov. 11, 2025	97	Letter from Michelle Mancino Marsh re Set/Reset Motion and R&R Deadlines/Hearings, 96 MOTION for Sanctions Pursuant to Fed. R. Civ. P. 11. (PEIKES, ARIEL) (Entered: 11/11/2025)	
Nov. 12, 2025	98	Letter from Ariel S. Peikes, Esq., to the Honorable Jose R. Almonte, U.S.M.J. regarding Unopposed Extension re 97 Letter, 96 MOTION for Sanctions Pursuant to Fed. R. Civ. P. 11. (PEIKES, ARIEL) (Entered: 11/12/2025)	
Nov. 13, 2025	99	LETTER ORDER granting 98 request for a two-week extension from November 17 to December 1, 2025 for Ontel's opposition to Plaintiff's Rule 11 Motion (Dkt. No. 96). Signed by Magistrate Judge Jose R. Almonte on 11/13/2025. (ld) (Entered: 11/13/2025)	
Nov. 13, 2025	100	OPINION. Signed by Judge Evelyn Padin on 11/13/2025. (amv) (Entered: 11/13/2025)	
Nov. 13, 2025	101	ORDER Denying 40 Defendant's Motion to Dismiss. Signed by Judge Evelyn Padin on 11/13/2025. (amv) (Entered: 11/13/2025)	

Nov. 14, 2025	102	TEXT ORDER: The Court's recent denial of Defendant's Motion to Dismiss (ECF Nos. 100-01) partially moots Plaintiff's Motion for Sanctions which seeks denial of the Motion to Dismiss. See ECF No. 96-1 at 29. Plaintiff's remaining requests to "preclude Ontel from arguing or otherwise asserting that the rounded ledges of the Flippy Trade Dress are functional," and to "hold that Ontel is judicially estopped from taking positions inconsistent with those accepted by the USPTO during prosecution of the Ontel Design Patent," id., and the supporting arguments all relate to the merits of this case, and are thus better addressed at a later stage in this litigation, i.e. summary judgment. For the foregoing reasons, Plaintiff's Motion for Sanctions (ECF No. 96) is administratively terminated without prejudice. Separately, the Court has considered the arguments raised in the parties' discovery dispute letter (ECF No. 95) raising a dispute as to whether discovery should be stayed pending final disposition of Defendant's petition for inter partes review ("IPR") of the 479 patent. Both parties recognize that the decision to stay a patent case pending resolution of an IPR rests within the sound discretion of the Court. See ECF No. 95 at 1, 5; Depomed Inc. v. Purdue Pharma L.P., No. 13-cv-571, 2014 WL 3729349, at *2 (D.N.J. July 25, 2014) ("As such, the decision to stay a patent case in which the PTAB has granted a request for IPR review rests within the sound discretion of the court."). In its discretion, the Court finds that a stay of discovery is not warranted prior to institution of the IPR. See Depomed, 2014 WL 3729349, at *2 (noting that the defendant's initial request for a stay was denied because the "request for a stay was premature in light of the fact that the PTAB had not yet determined whether to grant IPR review."); Power Surv., LLC v. Premier Util. Servs., LLC, 124 F. Supp. 3d 338, 339 (D.N.J. 2015) ("Defendants seek to stay this case pending [the IPR] of all claims of the three patents. The Court previously denied Defendants' motion without prejudice to renewal upon the U.S. Patent & Trademark Office's... ruling on the IPR petition brought by Defendants."); Eagle View Techs., Inc. v. Xactware Sols., Inc., No. 15-cv-7025, 2016 WL 7165695, at *5 (D.N.J. Dec. 7, 2016) ("Defendants' second set of IPR petitions, filed approximately eight months after their first set of IPR petitions, further supports the Court's finding that the status of IPR weighs against a stay. The PTO will not decide whether to institute the IPR proceedings on defendants' second set of petitions until March or April 2017.") Therefore, Defendant's request to stay discovery is DENIED as premature. Defendant may renew its request if the IPR is instituted. So Ordered by Magistrate Judge Jose R. Almonte on 11/14/2025. (akw,) (Entered: 11/14/2025)	
Motion for Sanctions (FRCP 11)		Denied as moot	
Motion for Sanctions (FRCP 11)		Denied without prejudice	
Motion to Stay Pending Inter Partes Review		Denied without prejudice	
Nov. 18, 2025	103	Letter from All Parties. (KAPLAN, JORDAN) (Entered: 11/18/2025)	
Nov. 19, 2025	104	Letter from Katherine A. Escanlar, Esq. to the Honorable Jose R. Almonte, U.S.M.J. Requesting Extension of Time for Ontel to File Answer and Any Counterclaims re 103 Letter. (ESCANLAR, KATHERINE) (Entered: 11/19/2025)	
Nov. 21, 2025	105	TEXT ORDER: The Court is in receipt of the parties' joint status letter (ECF No. 103). Defendant's request for an extension of time to file a response to Amended Complaint is GRANTED. Defendant shall answer, move, or otherwise respond to the Amended Complaint by December 2, 2025. In light of the status of the case, the status conference scheduled for November 25, 2025, is adjourned to February 4, 2026, at 11:00 a.m. Dial-in information remains the same. No later than January 28, 2026, the parties shall file a joint letter not to exceed five (5) pages summarizing the status of the case. To the extent the parties wish to raise a discovery dispute, they shall do so consistent with the Court's Case Management Order. So Ordered by Magistrate Judge Jose R. Almonte on 11/21/2025. (akw,) (Entered: 11/21/2025)	
Nov. 21, 2025	106	Letter from All Parties. (KAPLAN, JORDAN) (Entered: 11/21/2025)	
Nov. 24, 2025	107	LETTER ORDER granting extension until 12/5/2025 for parties to file and serve their opening Markman submissions pursuant to L. Pat.R. 4.5(a). Signed by Magistrate Judge Jose R. Almonte on 11/24/2025. (arm) (Entered: 11/24/2025)	
Dec. 02, 2025	108	ANSWER to Amended Complaint , Separate Defenses, and, COUNTERCLAIM against HAPPY PRODUCTS, INC. by ONTEL PRODUCTS CORPORATION.(ESCANLAR, KATHERINE) (Entered: 12/02/2025)	
Answer		N/A	
Dec. 05, 2025	109	Letter from All Parties re 87 Statement. (KAPLAN, JORDAN) (Entered: 12/05/2025)	
Dec. 05, 2025	110	MARKMAN OPENING BRIEF (Attachments: # 1 Declaration of T. Fraizer, # 2 Exhibit 1 to Fraizer Dec., # 3 Exhibit 2 to Fraizer Dec., # 4 Exhibit 3 to Fraizer Dec., # 5 Exhibit 4 to Fraizer Dec., # 6 Exhibit 5 to Fraizer Dec., # 7 Exhibit 6 to Fraizer Dec., # 8 Exhibit 7 to Fraizer Dec., # 9 Exhibit 8 to Fraizer Dec., # 10 Exhibit 9 to Fraizer Dec., # 11 Exhibit 10 to Fraizer Dec., # 12 Exhibit 11 to Fraizer Dec., # 13 Exhibit 12 to Fraizer Dec., # 14 Exhibit 13 to Fraizer Dec., # 15 Exhibit 14 to Fraizer Dec.)(KAPLAN, JORDAN) (Entered: 12/05/2025)	
Dec. 05, 2025	111	MARKMAN OPENING BRIEF of Defendant Ontel Products Corporation (Attachments: # 1 Declaration of Julie A. Vernon in Support of Defendant's Opening Claim Construction Brief, # 2 Exhibit 1 to the Declaration of Julie A. Vernon, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9)(ESCANLAR, KATHERINE) (Entered: 12/05/2025)	

Dec. 08, 2025	112	TEXT ORDER: The Court is in receipt of the parties' letter (ECF NO. 109) informing the Court that they have narrowed the claims terms in dispute and revised their positions in their Joint Claim Construction Statement at ECF No. 87 . By December 17, 2025, the parties shall file a revised Joint Claim Construction Statement with their revised positions. So Ordered by Magistrate Judge Jose R. Almonte on 12/8/2025. (akw,) (Entered: 12/08/2025)	
Dec. 10, 2025	113	TEXT ORDER: Due to a scheduling conflict, the status conference scheduled for February 4, 2026, is adjourned to February 9, 2026, at 11:00 a.m. Dial-in information remains the same. No later than February 2, 2026, the parties shall file a joint letter not to exceed five (5) pages summarizing the status of the case. To the extent the parties wish to raise a discovery dispute, they shall do so consistent with the Court's Case Management Order. So Ordered by Magistrate Judge Jose R. Almonte on 12/10/2025. (akw,) (Entered: 12/10/2025)	
Dec. 17, 2025	114	STATEMENT Revised Joint Claim Construction and Prehearing Statement Pursuant to L. Pat. R. 4.3 by HAPPY PRODUCTS, INC.. (Attachments: # 1 Exhibit Disputed Constructions)(KAPLAN, JORDAN) (Entered: 12/17/2025)	
Dec. 18, 2025	115	Letter from Jordan B. Kaplan, Esq. re 108 Answer to Amended Complaint, Counterclaim. (KAPLAN, JORDAN) (Entered: 12/18/2025)	